

ADV
CITY CLERK

MAR 21 2005

Entered - 12/30/03 - sb
CL03L0991 - DIANNE C. MITCHELL

05-*R*-0432

CLAIM OF: **JIM JOHNSON,**
through his attorney,
W. Winston Briggs
260 Peachtree Street, NW
Suite 1700
Atlanta, Georgia 30303

For damages alleged to have been sustained as a result of
the delay in the City's purchase of his property on
November 18, 2003 at 600 Rock Street.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

COMMITTEE SECRETARY

ADVERSE REPORT

PUBLIC SAFETY &

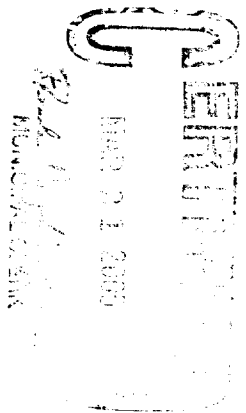
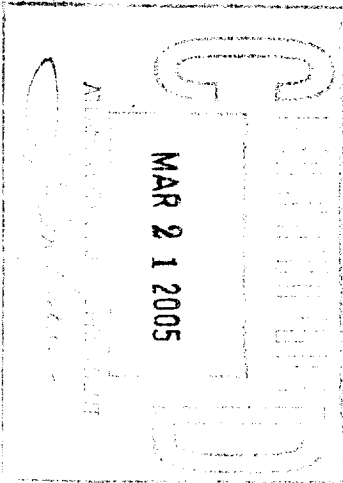
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/15/05

CHAIR: _____

Mary Norwood

Calla Smith





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

March 25, 2005

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

W. Winston Briggs
Attorney at Law
260 Peachtree St., NW
Suite 1700
Atlanta, GA 30303

05-R-0432

RE: Jim Johnson

Dear Attorney Briggs:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2005. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0991

Date: February 17, 2005

Claimant /Victim JIM JOHNSON

BY: (Atty) W. Winston Briggs

Address: 260 Peachtree Street, NW, Suite 1700, Atlanta, Georgia 30303

Subrogation: Claim for Property damage \$ 115,000.00 Bodily Injury \$

Date of Notice: 12/10/03 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/18/03 Place: 600 Rock Street

Department Planning & Neighborhood Development Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he was damaged due to the City's delay in the purchase of his property. However, the closing for the purchase of the claimant's property was rescheduled for December 23, 2003 at which time the property was purchased by the City.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

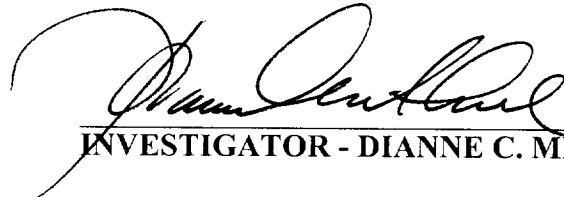
Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: Concur/date 03/03/05

Committee Action: Council Action

RCS# 6559
3/21/05
2:26 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 4-16 EXCEPT
05-R-0499 04-O-2111
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Sheperd	NV Borders

CONSENT I